

106TH CONGRESS
1ST SESSION

H. R. 893

To provide that the National Assessment Governing Board has the exclusive authority over all policies, direction, and guidelines for establishing and implementing certain voluntary national tests.

IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 1999

Mr. FORBES introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide that the National Assessment Governing Board has the exclusive authority over all policies, direction, and guidelines for establishing and implementing certain voluntary national tests.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Voluntary Basic Edu-
5 cational Skills Testing Act”.

6 **SEC. 2. OERI ANNUAL SPENDING PLAN.**

7 Notwithstanding any other provision of law, the As-
8 sistant Secretary for Educational Research and Improve-

1 ment shall submit to the Committees on Appropriations
2 of the House of Representatives and the Senate a spend-
3 ing plan for activities funded through the Office of Edu-
4 cational Research and Improvement for each fiscal year,
5 prior to the obligation of any funds for the fiscal year.

6 **SEC. 3. EXCLUSIVE AUTHORITY.**

7 Notwithstanding any other provision of law, the Na-
8 tional Assessment Governing Board established under sec-
9 tion 412 of the National Education Statistics Act of 1994
10 (20 U.S.C. 9011) (hereafter in this section referred to as
11 the “Board”) shall hereafter have exclusive authority over
12 all policies, direction, and guidelines for establishing and
13 implementing voluntary national tests for 4th grade
14 English reading and 8th grade mathematics.

15 **SEC. 4. AVAILABILITY OF TESTS.**

16 The tests described in section 5(b) shall be made
17 available to a State, local educational agency, or private
18 or parochial school, upon the request of the State, agency,
19 or school, and the use of the tests shall not be a condition
20 for receiving any Federal funds.

21 **SEC. 5. CONTRACT AUTHORITY.**

22 (a) IN GENERAL.—Within 90 days after the date of
23 enactment of this Act, the Board shall review the national
24 test development contract in effect on the date of enact-
25 ment of this Act, and modify the contract as the Board

1 determines necessary. If the contract cannot be modified
2 to the extent determined necessary by the Board, the con-
3 tract shall be terminated and the Board shall negotiate
4 a new contract, under the Board's exclusive control, for
5 the tests.

6 (b) BOARD DUTIES.—In exercising the Board's re-
7 sponsibilities under paragraph (a) regarding the national
8 tests, and notwithstanding any action undertaken by the
9 Department of Education or a person contracting with or
10 providing services for the Department regarding the plan-
11 ning, or the development of specifications, for the tests,
12 the Board shall—

13 (1) ensure that the content and standards for
14 the tests are the same as the content and standards
15 for the National Assessment;

16 (2) exercise exclusive authority over any expert
17 panel or advisory committee that will be or is estab-
18 lished with respect to the tests;

19 (3) ensure that the tests are linked to the Na-
20 tional Assessment to the maximum degree possible;

21 (4) develop test objectives, test specifications,
22 and test methodology;

23 (5) develop policies for test administration, in-
24 cluding guidelines for inclusion of, and accommoda-

1 tions for, students with disabilities and students
2 with limited English proficiency;

3 (6) develop policies for reporting test results,
4 including the use of standards or performance levels,
5 and for test use;

6 (7) have final authority over the appropriate-
7 ness of all test items;

8 (8) ensure that all items selected for use on the
9 tests are free from racial, cultural, or gender bias;
10 and

11 (9) take such actions and make such policies as
12 the Board determines necessary.

13 **SEC. 6. CONSENT REQUIREMENT.**

14 No State or local educational agency may require any
15 private or parochial school student, or home-schooled indi-
16 vidual, to take any test developed under this title without
17 the written consent of the student or individual.

18 **SEC. 7. CONFORMING AMENDMENTS.**

19 Section 412 of the National Education Statistics Act
20 of 1994 (20 U.S.C. 9011) is amended—

21 (1) in subsection (b)(1)—

22 (A) by amending subparagraph (A) to read
23 as follows:

24 “(A) three Governors, or former Gov-
25 ernors, of whom not more than 1 shall be a

1 member of the same political party as the
2 President;”;

3 (B) by amending subparagraph (B) to read
4 as follows:

5 “(B) two State legislators, of whom not
6 more than 1 shall be a member of the same po-
7 litical party as the President;”;

8 (C) in subparagraph (H), by striking ‘one
9 representative’ and inserting ‘three representa-
10 tives’;

11 (D) by amending subparagraph (I) to read
12 as follows:

13 “(I) two mayors, of whom not more than
14 1 shall be a member of the same political party
15 as the President;”;

16 (E) by striking subparagraph (J); and

17 (F) by redesignating subparagraphs (K), (L),
18 and (M) as subparagraphs (J), (K), and (L), respec-
19 tively;

20 (2) in subsection (c)—

21 (A) in paragraph (1), by striking “and
22 may not exceed a period of 3” and inserting
23 “and shall be for periods of 4”; and

24 (B) in paragraph (2), by inserting “con-
25 secutive” after “two”;

1 (3) by amending subsection (d) to read as fol-
2 lows:

3 “(d) VACANCIES.—As vacancies on the Board occur,
4 new members of the Board shall be appointed by the Sec-
5 retary from among individuals who are nominated by the
6 Board after consultation with representatives of the indi-
7 viduals described in subsection (b)(1). For each vacancy,
8 the Board shall nominate at least 3 individuals who are
9 qualified by experience or training to fill the particular
10 Board vacancy.”; and

11 (4) in subsection (e) by adding at the end the
12 following:

13 “(7) INDEPENDENCE.—In the exercise of its
14 functions, powers, and duties, the Board shall be
15 independent of the Secretary and the other offices
16 and officers of the Department. The Secretary shall,
17 by written delegation of authority, authorize the
18 Board to award grants and contracts, and otherwise
19 operate, to the maximum extent practicable, inde-
20 pendent of the Department.”.

21 **SEC. 8. APPOINTMENTS.**

22 Not later than 30 days after the date of enactment
23 of this Act, the Secretary of Education, in consultation
24 with the Speaker and Minority Leader of the House of
25 Representatives, and the Majority Leader and Minority

1 Leader of the Senate, shall appoint individuals to fill va-
2 cancies on the National Assessment Governing Board
3 caused by the expiration of the terms of members of the
4 Board, or the creation of new membership positions on
5 the Board pursuant to amendments made by this Act.

